

AMENDMENT D (IN RESPONSE TO PAPER NO. 20051219
(OFFICE ACTION DATED JANUARY 4, 2006))

REMARKS

Claims 1-6, 8-14, 17 and 19-20 are pending in this case. In the section above, claims 1, 9 and 17 have been amended. Based on the following remarks, it is respectively submitted that claims 1-6, 8-14, 17 and 19-20 are allowable.

Amendments to Claims

Independent claims 1, 9 and 17 have been amended to more clearly articulate the claimed subject matter. As presently claimed, the display of content on a display of the interface, where the content is conveyed from a remote source, is “at least in response to user input on the wireless device.” The amendments further remove the phrase “direct and physical control” from the claims. It is submitted that the aforementioned do not add new subject matter to the application.

§ 112, ¶ 2 Rejection of Claims

Claims 1-6, 8-14, 17 and 19-20 stand rejected under 35 U.S.C. § 112, ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is submitted that this rejection is improper for at least the reason that the claim apprises one of ordinary skill in the art of its scope and, therefore, serves the notice function required by 35 U.S.C. § 112, second paragraph, by providing clear warning to others as to what constitutes infringement of the patent. Assignee’s attorney specifically traverses the alleged findings of the Examiner that the phrase “does not provide a standard for ascertaining the requisite degree” and that “the concept of ‘direct and physical control’ is subjective and vague as to what would constitute such a situation, and the claim language does not limit this broad concept with any specific requirements,” etc. Notwithstanding the above, the rejections are moot in view of the above amendments removing the phrase from the claims. Accordingly, the

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rejection should be withdrawn.

§ 102 Rejection of Claims

Claims 1-6, 8-14, 17 and 19-20 are rejected under 35 U.S.C. § 102(e) as being anticipated by Kobayashi, U.S. Patent No. 6,633,759 (“Kobayashi”). This rejection is respectfully traversed and it is submitted that these claims recite subject matter which is not anticipated by and is patentable over Kobayashi.

Independent Claims 1, 9 and 17

Kobayashi appears to be directed to a variety of embodiments wherein a cellular phone and PC are in communication therebetween. However, only one embodiment is remotely relevant to the presently claimed subject matter. Assignee’s attorney respectfully notes that claims 1, 9 and 17 each require three separate components: a wireless device, an interface client and a remote source. The only Kobayashi embodiment having three separate components is discussed in column 13 – column 14 where the PC is the viewer of the cellular phone in a case where the user confirms data of an e-mail received by the cellular phone on the PC. Kobayashi teaches that “even when the cellular phone 2 is put in a pocket or the user’s briefcase and not at hand, the user can access the cellular phone 2 from the PC 1 via the wireless communication, starts an e-mail function of the cellular phone 2, and confirms the mail data obtained by the e-mail function by displaying the same on the screen of the PC 1.” (Col. 13, l. 65 – Col. 14, l. 4). Kobayashi further states that “[b]esides the foregoing, in case that service information of various kinds provided from the server 5 can be reviewed on the cellular phone 2, the service information can be sent to the PC 1, so that the user can see the same on the screen of the PC 1.” (Col. 14, ll. 7-11).

In the previous Office Action, the Examiner appears to state that it is error for Assignee’s attorney to assert that the two embodiments of Kobayashi are

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separate and unrelated. According to the Examiner, both the PC and cellular phone are capable of displaying content and therefore either can serve as an interface client. (*See* p. 6, “The fact that the cellular phone in the first embodiment displays content does not preclude the PC from doing so, and as such, it is not necessarily required that the cellular phone be considered the interface client instead of the PC. In fact, Examiner submits that Kobayashi clearly teaches that content can be received and displayed accordingly on the PC....”). Assignee’s attorney submits that this statement is incorrect.

Assignee’s attorney respectfully submits that claim 1 requires, among other things that: (1) a user provides input on the wireless device; (2) the display of content from the remote source is displayed on the display of the interface client at least in response to the user input on the wireless device; and (3) the wireless device conveys the content from the remote source to the interface client. In the remotely relevant example of Kobayashi, the cellular phone conveys content from the server to the PC for display thereon. Thus, the claimed wireless device may only be compared to Kobayashi’s cellular phone and the claimed remote source may only be compared to Kobayashi’s remote server. Concurrently, the claimed interface client may only be compared to Kobayashi’s PC. In other words, the claim specifically requires that the content from the remote source (arguably the server) must be received by the wireless device (arguably the cell phone) and displayed on an interface client (arguably the PC). No other configuration of Kobayashi is comparable to the claim limitations.

Bearing the above artificial comparison in mind, Assignee’s attorney respectfully submits that the claim further requires that: (1) a user provides input on the wireless device; and (2) the display of content from the remote source be displayed on the display of the interface client at least in response to the user input on the wireless device. Neither limitation is met. It is submitted that the user, in

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Kobayashi's embodiment above, does not provide input on the cell phone (arguably the wireless device) in that configuration. However, even if the user could provide input on the cell phone, the reference is silent as to the display of the content on the display of the PC (arguably the interface client) at least in response to user input on the cell phone. Instead, the reference only teaches the exact opposite. User input on the PC controls the display of content on the display of the PC.

For at least the reason that the only teaching of Kobayashi that is remotely relevant to the claimed subject matter fails to teach or suggest each of the limitations of claim 1, Assignee's attorney respectfully request immediate allowance of the claim.

Moreover, it is submitted that in each embodiment discussed in the cited portions of Kobayashi, the display of content on one device appears to always be tied to user manipulation (e.g., user input) on the same device. Assignee's attorney can find no teaching or suggestion in at least the cited portions of the Kobayahsi reference where the display of content from a remote source is displayed on one device (i.e., the interface client) at least in response to user input on another device (i.e., the wireless device). Thus, Assignee's attorney submits that the Office may not borrow from another embodiment disclosed in Kobayashi to rebut the argument presented above. That is, merely because in one embodiment a user may manipulate or provide user input on a first device (e.g., the cell phone) does not mean that this isolated teaching can be combined to the above for at least the reason that in each embodiment where the first device (i.e., the cell phone) accepts user input, it appears that the display of the content is always on the first device (i.e., the cell phone) and not on a second device (i.e., the PC). Even if the second device (i.e., the PC) were arguably capable of displaying content at or near the same time, the second device (i.e., the PC) does not display content at least in

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response to the user input at the first device (i.e., the cell phone). Because no other portion of Kobayashi may be used to cure the defect articulated above, the Office Action's rejection is without merit and must be withdrawn.

Assignee's attorney submits that independent claims 9 and 17 also include the same or similar limitations as those discussed above. For at least the reasons articulated above, claims 9 and 17 are also believed to be allowable over the cited prior art.

Dependent Claims 2-6, 8, 10-14, 19 and 20

The relevant remarks stated above with respect to claims 1, 9 and 17 are respectfully repeated with respect to dependent claims 2-6, 8, 10-14, 19 and 20. Because the aforementioned dependent claims depend from allowable independent claims and because they contain novel and nonobvious subject matter, it is respectfully submitted that claims 2-6, 8, 10-14, 19 and 20 are further in condition for allowance.

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PATENT

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Conclusion

In light of the present amendments, claims 1-6, 8-14, 17 and 19-20 remain pending in this case remain pending in this case. Based upon the foregoing remarks, it is respectfully submitted that these claims are allowable, and reconsideration and early allowance of these claims are requested.

Respectfully submitted,

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